

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JA NAWARA EL BEY a/k/a JAMES F. HILL,	}	
	}	
Plaintiff,	}	
	}	
vs.	}	No. 13-2380 JTF-dkv
	}	
MEMPHIS SHELBY COUNTY CHILD SUPPORT, AUGUSTA AVERY, JOY TOULIATOS, STATE OF TENNESSEE, and SHELBY COUNTY JUVENILE COURT,	}	
	}	
Defendants.	}	
	}	

REPORT AND RECOMMENDATION ON
REMAND TO SHELBY COUNTY JUVENILE COURT

On June 3, 2013, Ja Nawara El Bey a/k/a James F. Hill, proceeding *pro se* filed a document entitled "Affidavit of Facts Demanding Declaratory Judgment and LEGAL NOTICE OF REMOVAL from municipal court to federal court pursuant to Title 28 §1441-§1446 PROPER ARTICLE III JURISDICTION" ("Notice of Removal"), along with an "Affidavit of Financial Statement" (D.E. 1,2.) By order dated June 6, 2013, this court determined that El Bey's *in forma pauperis* affidavit did not provide sufficient financial information and, therefore, did not satisfy his burden of demonstrating that he is unable to pay the civil filing fee. Therefore, the court ordered El Bey to either submit a properly completed application to proceed *in forma pauperis* on the court's form or pay the \$400 civil filing fee within thirty (30) days of the date of th order. El Bey was warned that failure to timely comply with the court's order would

result in dismissal of his action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure without further notice.

In response to the court's order, on July 2, 2013, El Bey filed a document entitled "Affidavit of Fact Averment Of Jurisdiction - Quo Warranto Writ of Error." (D.E. 5.) This document, like his prior "Affidavit of Financial Statement," contains no information about El Bey's financial assets or liabilities and does not satisfy the requirements of 28 U.S.C. § 1915(a)(1). El Bey merely reiterates that he does not "have, or possess, any gold or silver coins as prescribed by United States Constitution Law, which is lawful money." (D.E. 5 at 2.) The remainder of the "Affidvit" is largely incomprehensible or irrelevant to his financial status.

Because El Bey has failed to comply with the court's order to submit a properly completed financial affidavit or pay the filing fee within 30 days of the court's order, and the time for doing so has expired, it is recommended that this case be remanded to the Shelby County Juvenile Court.

Respectfully submitted this 10th day of July, 2013.

s/ Diane K. Vescovo
DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE

NOTICE

Within fourteen (14) days after being served with a copy of this report and recommended disposition, a party may serve and file written objections to the proposed findings and recommendations. A party may respond to another party's objections within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b)(2). Failure to file objections within fourteen (14) days may constitute a waiver of objections, exceptions, and further appeal.